

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re New Patent Application of )  
Warren FINLAY et al. )  
Based On Provisional Application 60/430,085 ) Attn: Applications  
Which Was Filed: December 2, 2002 ) Branch  
For: DEVICE AND METHOD FOR )  
DEAGGLOMERATION OF POWDER )  
FOR INHALATION ) Date: December 2, 2003

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98.

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

By: 

Marc S. Kaufman  
Registration No. 35,212

NIXON PEABODY LLP  
401 9<sup>th</sup> Street, N.W.  
Suite 900  
Washington, D.C. 20004-2128

(202) 585-8000

|  |   |    |   |                          |  |
|--|---|----|---|--------------------------|--|
| Substitute for form 1449A/PTO  |   |    |   | <b>Complete if Known</b> |  |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |   |    |   | Application Number       |  |
|  |   |    |   | Filing Date              |  |
|  |   |    |   | First Named Inventor     |  |
|  |   |    |   | Art Unit                 |  |
|  |   |    |   | Examiner Name            |  |
| Sheet  | 1 | of | 1 | Attorney Docket Number   |  |
| 745969-129   |   |    |   |                          |  |

| U.S. PATENT DOCUMENTS |                          |  |                                |  |   |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | U.S. Patent Document                       | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number - Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       |                          | US-2,865,370                               | 09/06/1957                     | Gattone  |   |
|                       |                          | US-4,047,525                               | 09/13/1977                     | Kulesa et al.                                      |   |
|                       |                          | US-4,940,051                               | 07/10/1990                     | Lankinen   |   |
|                       |                          | US-6,427,688 B1                            | 08/06/2002                     | Ligotke et al.                                     |   |
|                       |                          |  |                                |  |   |
|                       |                          |  |                                |  |   |
|                       |                          |  |                                |  |   |
|                       |                          |  |                                |  |   |
|                       |                          |  |                                |  |   |
|                       |                          |  |                                |  |   |
|                       |                          |  |                                |  |   |

| FOREIGN PATENT DOCUMENTS |                          |                           |                     |                                      |  |   |
|--------------------------|--------------------------|---------------------------|---------------------|--------------------------------------|--|---|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |                     | Publication Date<br>MM-DD-YYYY       | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                          |                          | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |  |   |
|                          |                          |                           |                     |                                      |  |   |
|                          |                          |                           |                     |                                      |  |   |
|                          |                          |                           |                     |                                      |  |   |
|                          |                          |                           |                     |                                      |  |   |
|                          |                          |                           |                     |                                      |  |   |
|                          |                          |                           |                     |                                      |  |   |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---|--------------------------|---|----------------|
| Examiner<br>Initials*                             | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|   |                          |   |                |
|   |                          |   |                |
|   |                          |   |                |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.